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REMARKS

Reconsideration and allowance are respectfully requested.

Claims 1-3, 6-11, 13-21 and 24-29 are pending in the application.

Claim Rejection - 35 U.S.C. 112

Original claims 1-3, 6-11, 13-21 and 24-29 stand rejected under 35 U.S.C. 112 as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 has been amended by replacing "*the selfsame device*" with "*the tensioning device*".

In view of this amendment, it is respectfully requested that the rejection under 35 U.S.C. 112 be withdrawn.

Claim Rejection - 35 U.S.C. 103

Claims 1-3, 6-13, 16-21 and 26-29 stand rejected under U.S.C. 103(a) as being unpatentable over Reil et al. (US 5069021) in view of Traczyk et al. (US 4732027) and Black et al. (US 4044528) and further in view of Mogard (US 5704541).

Applicant respectfully traverses this rejection.

The Examiner has failed to cite any of the references of record for teaching or suggesting the distinguishing feature of claim 1 that the finishing device operates between the tensioning device and the traction device. Neither Mogard nor the other references of record appear to teach or suggest that the finishing device operates between the tensioning device and the traction device.

Specifically, Mogard discloses that "*optionally, a side overlapping section may be provided integrally along one side of the panel to be used to form the side seam*" (col. 3, lines 14-16), and that "*A side lip is folded along the length of the overlapping section in order to sandwich the lip between the section and the side panel with the side edge isolated from the interior of the container. By folding the lip in this manner,*

the side edge is not exposed to the liquid product within the container." Thus, Mogard does not disclose the location of the means for folding the described lip in the machine for producing the container, but only discloses that the folding step has been carried out. Therefore, Mogard does not provide any suggestion or indication about where to position the means for folding the described lip in the machine designed to produce the container. None of the other prior art references of record appear to disclose or suggest said distinguishing feature.

It is noted that Applicant's previous response filed on January 22, 2007 specifically discussed the positioning of the finishing device and the failure of the prior art to teach such positioning (at pages 9-10):

In particular, Applicant has added other features to the claimed system for manufacturing containers, including a finishing device positioned between a tensioning device and a traction device. The finishing device operates directly on the advancing strip, in particular on a free lateral edge of the forming strip material, called a bonding edge, along which a sealing or welding operation is performed to establish the shape of the resulting container. This finishing device is placed between the tensioning device, which subjects the segment of forming material extending downstream of the selfsame device to a predetermined longitudinal tension, in order to facilitate certain operations carried out along the first leg (for example, the operation carried out by the finishing device), and the traction device placed just before the scoring station.

Neither Reil nor Traczyk (nor Mogard) disclose the presence of a finishing device positioned between a tensioning device and a traction device.

The Examiner has failed to address this distinction, and claim 1 is believed allowable over the prior art of record, since none teach or suggest the claimed positioning of the finishing device.

Therefore, present claim 1 is believed to be in allowable condition and it is respectfully requested that the rejection of claim 1 be withdrawn.

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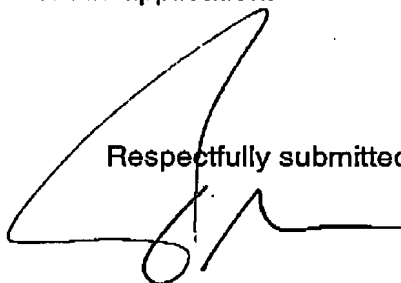
Since claims 2-3, 6-11, 13-21, 24-29 depend from claim 1, they are believed to be in allowable condition for the same reasons as claim 1, as well as for the further limitations contained therein.

If the next communication from the Examiner is not a Notice of Allowance, it should not be a Final Office Action. Claim 1 has not been amended here to distinguish over the prior art and Applicant is only pointing out a distinction already existing in claim 1, and argued in the previous response, but which the Examiner has not responded to. Therefore, any continuing or new rejection of claim 1 must be made in a non-final Office Action.

Conclusion

All matters having been addressed above and in view of the pending claims and remarks, Applicant respectfully requests the entry of this Amendment, the Examiner's reconsideration of the application, and the timely allowance of the pending claims. Applicant's counsel remains ready to assist the Examiner in any way to facilitate and expedite the prosecution of this application.

Respectfully submitted,



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